

CONTESTED NONPARENTAL CUSTODY

King County Family Law Facilitators: Instruction # N-1
King County Local Family Law Rules
Revised Code of Washington 26.10

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a Legal Resource List or the King County Bar Association Lawyer Referral Line for information about resources for low income people.

BEFORE A NONPARENTAL CUSTODY CASE CAN BE FINALIZED, THE PETITIONER MUST OBTAIN THE FOLLOWING:

- BACKGROUND CHECK OF DCFS/CPS RECORDS FOR EACH MEMBER OF THE PETITIONER'S HOUSEHOLD WHO IS 16 YEARS OF AGE OR OLDER.
- WASHINGTON STATE PATROL CRIMINAL HISTORY RECORD INFORMATION (CHRI) FOR EACH ADULT MEMBER OF THE PETITIONER'S HOUSEHOLD.
- CERTIFICATE OF COMPLETION FOR THE MANDATORY PARENTING SEMINAR.

Deadlines for completing these requirements are listed in the Order Setting Domestic Nonparental Custody Case Schedule (ORSCS) which you will receive when you file the case.

STEP 1: FILL OUT THE INITIAL FORMS

Fill out the following forms:

- [Case Assignment Designation and Case Information Cover Sheet](#)
- [Confidential Information Form WPF DRPSCU 09.0200](#)
- [Summons for Nonparental Custody WPF CU 01.0200](#)
- [Nonparental Custody Petition WPF CU 01.0100](#)
- [Notice Re Dependent of Person in Military Service, WPF DRSCU 01.0185](#) (if applicable)
- [Return of Service, WPF DRPSCU 01.0250](#) (Signed by Server; see Step 4.)
- [Declaration Regarding Personal Service Outside the State of Washington,](#)

- WPF DRPSCU 01.0180 (if applicable)
- **Cover Sheet for WSP Criminal History Record WPF CU 03.0550**
- **Order Directing DCFS/CPS to Release Information and Order Restricting Access WPF CU 03.0500**
- **Cover Sheet for DCFS/CPS Investigative Information WPF CU 03.0520**
(Complete one form for each adult member of petitioner's household, including petitioner.)
- **Cover Sheet for Authorization to Release Information to the Court (Nonparental Custody) WPF CU 03.0540 with attached DSHS form,**
 - ❖ **Authorization to Release Information to the Court DSHS 09-966**
(One Authorization signed by each member of petitioner's household who is 16 years of age or older.)

And, if applicable:

Residential Schedule (Proposed) WPF CU 01.450

Before signing the final residential schedule, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.

- **Declaration in Support of Proposed Temporary Parenting Plan, WPF DR 04.0120.**
Fill out this form addressing parenting functions and work schedules for each parent and the child(ren)'s past and present child care schedule.

- **Declaration Regarding Public Assistance WPF DRPSCU 01.0600**
- **Washington State child Support worksheets-WSCSS Worksheets and WSCSS Schedule**
- **Order of Child Support, WPF CU 01.0500** (A separate order is required for each parent obligated to pay support)

If the child is, or may be, a member of an Indian tribe, notice must be sent to the tribe. If the parent, Indian custodian, or tribe isn't known, notice must be sent to the Department of the Interior, Bureau of Indian Affairs. Use the following forms:

- **Indian Child Welfare Act Notice 25 U.S.C. Sec. 1912(a) WPF CU 01.0250**
- **Proof of Mailing (ICWA Notice) WPF CU 01.0255**

STEP 2: FILE AT CLERK'S OFFICE

Make copies of the Summons and Petition for each respondent and for your own records, and then file the following forms at the Clerk's Office:

- Case Assignment Designation and Case Information Cover Sheet
- Confidential Information Form WPF DRPSCU 09.0200
- Nonparental Custody Petition WPF CU 01.0100
- Summons for Nonparental Custody WPF CU 01.0200 and

And, if applicable:

- Residential Schedule (Proposed) WPF CU 01.450

Pay the filing fee or obtain an *Order to Proceed In Forma Pauperis* (waives the filing fee) prior to filing.

You will receive an Order Setting Domestic Nonparental Custody Case Schedule. Make a copy of the case schedule for each respondent. You must meet all deadlines and attend all hearings listed in this Case Schedule.

STEP 3: PRESENT ORDERS IN THE EX PARTE DEPARTMENT

Present the following to the Ex Parte Clerk:

- Order Directing DCFS/CPS to Release Information and Order Restricting Access WPF CU 03.0500
- Cover Sheet for DCFS/CPS Investigative Information WPF CU 03.0520 (Complete one form for each adult member of petitioner's household, including petitioner.)
- Cover Sheet for Consent of Release of Information from DCFS/CPS (Nonparental Custody) WPF CU 03.0540 **with attached DSHS form,**
- Authorization to Release Information to the Court DSHS 09-966 (One Authorization signed by each member of petitioner's household who is 16 years of age or older.)

After the hearing, file the documents with the Clerk's office.

STEP 4: SERVE EACH PARENT AND CUSTODIAN OF THE CHILD/REN

You are required to have both parents and any custodian of the child/ren (the respondents) served with:

- Summons for Nonparental Custody,
- Petition for Nonparental Custody and the
- Notice Re Dependent of Person in Military Service (if applicable)
- Order Setting Domestic Nonparental Custody Case Schedule (ORSCS)

And, if applicable:

- Residential Schedule (Proposed)

Someone over the age of 18, who is not a party to legal action, must personally serve the respondents. The server must complete the Return of Service form, indicating the specific documents served on the respondents and the date, time and place of service. The server then signs and dates the Return of Service form. Make a copy for your records and file the Return of Service form in the Clerk's Office.

If personal service is made outside the state of Washington, you must also file a "Declaration Regarding Personal Service Outside the State of Washington" (WPF DRPSCU 01.0180), explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your

records.

If you do not know how to locate either of the respondents for personal service, you may seek permission from the Court to have respondents served by mail or publication. Ask a Family Law Facilitator for more information.

If the respondents do not contest the case after they have been served, see Facilitator Instruction #N-4, Nonparental Custody by Default. The Order re Adequate Cause may be signed at the Case Review Hearing listed in your Case Schedule.

STEP 5: OBTAIN WASHINGTON STATE PATROL CRIMINAL HISTORY RECORD

Obtain Washington State Patrol Criminal History Record Information (CHRI) for each adult member of petitioner's household, including petitioner. Choose one of the following methods to obtain the CHRI:

1. Get CHRI **immediately** online at <https://watch.wsp.wa.gov/>. There is a \$10.00 fee for each CHRI search. Credit card is required.
- OR**
2. Fill out a Request for Conviction Criminal History Record form and send the completed form with a check or money order for \$35.00 for each request to Washington State Patrol, Identification and Criminal History Section, PO Box 42633, Olympia WA 98504-2633. A copy of the Request form is attached to these instructions. Allow **7-14 business days** for receipt of the CHRI(s).

Upon receipt of the CHRI, file it in the Clerk's Office using the following coversheet:

- Cover Sheet for WSP Criminal History Record CU 03.0550 with CHRI attached (one for each adult member of petitioner's household.)

STEP 6: SCHEDULE THE THRESHOLD HEARING

Petitioners must obtain an order of Adequate Cause by the deadline listed in the Case Schedule. In contested cases, the Threshold Hearing must be noted on the Family Law Calendar at 1:30pm. (Every day EXCEPT Tuesday). File your original documents with the Clerk's Office **and** serve all parties copies at least 14 days before the date you have chosen.

You will need:

- [Notice of Hearing for Adequate Cause Determination \(Nonparental Custody\) WPF CU 02.0300](#)
- [Declaration WPF DRPSCU 01.0100](#)
- [Order re Adequate Cause \(Nonparental Custody\) WPF CU 02.0400](#)
- [Return of Service WPF DRPSCU 01.0250](#)

STEP 7: DELIVER WORKING PAPERS

Deliver “Working Papers” (copies of all forms) to the Family Law Motions Coordinator.

In the top right hand corner of your Working Papers write:

Working papers

Family Law Motions

Hearing Date: [Fill in your hearing date]

Hearing Time:

Presented by: [Fill in your name]

STEP 8: CONFIRM YOUR THRESHOLD HEARING

IF YOU FAIL TO CONFIRM THE HEARING IT WILL BE AUTOMATICALLY CANCELLED.

- **Seattle cases, call (206) 296-9340**
- **Kent cases, call (206) 205-2550**

Call between 2:30 and 4:15 p.m. 3 court days prior to the hearing **or** between 8:30 and 12 noon 2 court days prior to the hearing. Have your case number available when you call. Confirm your Motion for Adequate Cause.

STEP 9: ATTEND YOUR THRESHOLD HEARING

YOU MAY HAVE TO WAIT UP TO 3 HOURS FOR YOUR HEARING. DO NOT BRING CHILDREN WITH YOU.

Arrive 30 minutes early for your hearing to check in.

Bring the following to your hearing:

- The original Order form
- Your copies of the original paperwork
- A copy of the “Return of Service” or “Declaration of Mailing or Delivery”

After the hearing, make yourself a copy of whatever document(s) the Commissioner signed. All original orders signed by the Commissioner must be filed in the Clerk’s Office.

Do not leave the courthouse with the original orders signed by the Commissioner.

STEP 10: ATTEND THE MANDATORY PARENTING SEMINAR

King County Local Family Law Rules require each party to attend a parenting seminar by the deadline listed in your Case Schedule. An information sheet regarding this

mandatory seminar is available in both the Clerk's Office and the Facilitators' Office.

STEP 11: ATTEND THE MANDATORY CASE REVIEW HEARING

Petitioners and their attorneys must attend the Case Review Hearing. The date, time, and place are listed in your Case Schedule. Steps 1-10 of these instructions must be completed by the dates listed in the Case Schedule. Failure to appear or to complete the requirements may result in dismissal of the case or other sanctions. Final orders may be entered at this hearing, if the case is uncontested or agreed and the Court finds that all the requirements for placing a minor child with a non-parent have been met.

STEP 12: FOLLOW YOUR CASE SCHEDULE AND PREPARE FOR TRIAL

Refer to the Order Setting Domestic Nonparental Custody Case Schedule (ORSCS) for deadlines that must be met and for the date of your trial. If you fail to follow your case schedule, your case may be dismissed and you may incur fines. The Facilitators cannot provide you with assistance in trial preparation. You are strongly advised to talk to an attorney.

You will need the following forms:

- [Findings of Fact and Conclusions of Law WPF CU 02.0100](#)
- [Nonparental Custody Decree WPF CU 02.0200](#)

And, if applicable:

- Residential Schedule WPF CU 01.450

If you requested child support, you will also need:

- Washington State Child Support Worksheets and Schedule, WSCSS – Worksheets
- Order of Child Support, WPF CU 01.0500 (A separate order is required for each parent obligated to pay support)
- [Financial Declaration, WPF DR 01.0550](#)
- [Sealed Financial Source Documents WPF DRPSCU 09.0220](#) and attachments:
 - Complete tax returns for the past three calendar years, together with all schedules and W2's;
 - All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater;
 - Complete partnership and corporate tax returns for the past two years, together with all schedules and attachments, for all partnerships and corporations in which a party has had an interest of five percent or greater.

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before filing your action. You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court. If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association Lawyer Referral Line.